

STATE OF MICHIGAN
COURT OF APPEALS

KEITH N. MCDONALD, SR., and SHERYL
MCDONALD,

UNPUBLISHED
March 27, 2003

Plaintiffs-Appellees,

v

No. 231627
Calhoun Circuit Court
LC No. 99-003243-NZ

MACEDONIA MISSIONARY BAPTIST
CHURCH, JOHN BROWN, ISAAC KENDRIX,
B.C. PAGE, DWAYNE RICHARDSON, PAUL J.
SPIGHT, ANDREW WILLIAMS, ARTHUR
BROWN, CHARLES COLEMAN, LORENZO
ERVIN, and TAYLOR JONES,

Defendants-Appellants.

Before: O'Connell, P.J., and Griffin and Markey, JJ.

PER CURIAM.

Defendants appeal as of right an order and subsequent judgments entered in favor of plaintiffs regarding their claims of breach of contract. We reverse, vacate, and remand for entry of a judgment in favor of defendants.

According to her deposition, plaintiff Sheryl McDonald made donations in 1998 totaling \$2,000 to the "Macedonia Missionary Baptist Church Building Fund." Plaintiff Rev. Keith N. McDonald made a similar \$2,000 donation to the church building fund, although the date of the donation is not contained in the record.

On July 3, 2000, a hearing was held on defendants' motion for summary disposition. At the conclusion of the hearing, the trial judge granted summary disposition in favor of plaintiffs on their breach of contract claim.¹ In granting summary disposition in favor of plaintiffs, the

¹ Although not articulated, the lower court's ruling was presumably pursuant to MCR 2.116(I)(2) that provides:

If it appears to the court that the opposing party, rather than the moving party, is entitled to judgment, the court may render judgment in favor of the opposing party.

lower court ruled, “This is a specific pledge for a specific project, and that project has not been carried out within a reasonable period of time.”²

At oral argument on this appeal, the parties clarified that although a new church structure has not yet been built the building fund campaign continues, as do plans for a new church. The essence of this case is a policy dispute between plaintiffs and defendants in regard to *when* to build a new church. While he was the pastor of the church, Rev. McDonald intended to break ground for the building of a new church on April 6, 1999, by borrowing sufficient funds from a local bank in supplementation of building fund donations. However, contemporaneous with the discharge of Rev. McDonald, the trustees and deacons of the church decided not to follow Rev. McDonald’s construction plans. Instead, the trustees and deacons decided to temporarily move the church into an old schoolhouse that had been donated by the Battle Creek school system. According to defendants’ counsel, \$500,000 remains in the building fund and upon the fund reaching \$6 million, a new church structure will be built.

Defendants argue that the trial court did not have jurisdiction over plaintiffs’ breach of contract claims. We agree. “Whether the trial court had subject-matter jurisdiction is a question of law that this Court reviews de novo.” *Rudolph Steiner School v Ann Arbor Charter Twp*, 237 Mich App 721, 730; 605 NW2d 18 (1999). Today, we reaffirm that church decisions involving doctrine or polity are not for this Court to disturb.

“It is well settled that courts, both federal and state, are severely circumscribed by the First and Fourteenth Amendments to the United States Constitution and art 1, § 4 of the Michigan Constitution of 1963 in resolution of disputes between a church and its members.” *Maciejewski v Breitenbeck*, 162 Mich App 410, 413-414; 413 NW2d 65 (1987). “[J]urisdiction is limited to property rights which can be resolved by application of civil law.” *Id.* at 414; see also *Davis v Scher*, 356 Mich 291, 297; 97 NW2d 137 (1959). “Whenever the trial court must stray into questions of ecclesiastical polity or religious doctrine the court loses jurisdiction.” *Maciejewski, supra*; see also *Berry v Bruce*, 317 Mich 490, 499; 27 NW2d 67 (1947); *Serbian Orthodox Diocese v Milivojevich*, 426 US 696, 713-714; 96 S Ct 2372; 49 L Ed 2d 151 (1976). Ecclesiastical polity includes church organization or government. *Maciejewski, supra*; see also *Lewis v Seventh Day Adventists Lake Region Conference*, 978 F2d 940, 942-943 (CA 6, 1992). Religious doctrine is defined as including tenets of the faith. *Maciejewski, supra*; *Jones v Wolf*, 443 US 595, 602; 99 S Ct 3020; 61 L Ed 2d 775 (1979).

Moreover, this Court has distinguished between contract rights involving a church and a secular entity, which are justiciable, and those involving a church and entities within its body, which are not. *Dlaikan v Roodbeen*, 206 Mich App 591, 593-594; 522 NW2d 719 (1994). For example, persons who are voluntary members at the time of the church’s alleged tort must

² Although not necessary for our disposition, we note the circuit court also erred in ruling that a condition of the alleged subscription contract had not been performed within a reasonable time. While a new church had not been constructed as of July 3, 2000, the building fund donation of plaintiff Sheryl McDonald was made only a year and a half earlier. In general, where there is a condition remaining unfulfilled in a subscription contract and no time is given for the performance of the condition, the time for its performance normally is an issue for the trier of fact. *Walters v Union Trust Co*, 129 Mich 640, 643; 89 NW 687 (1902).

submit to the church's exclusive jurisdiction over disciplinary matters. See *Smith v Calvary Christian Church*, 462 Mich 679, 686-689; 614 NW2d 590 (2000), citing *Guinn v Church of Christ of Collinsville*, 775 P2d 766 (Okla, 1989).³

We hold that this dispute involves a policy of the church for which our civil courts should not interfere. *Maciejewski*, *supra* at 413-414. Because the decision of when and where to build a new church building is exclusively within the province of the church members and its officials, the lower court erred in not granting summary disposition in favor of defendants. *Id.*

The order and judgments in favor of plaintiffs are reversed and vacated. Remanded for entry of a judgment in of defendants. We do not retain jurisdiction.

/s/ Peter D. O'Connell
/s/ Richard Allen Griffin
/s/ Jane E. Markey

³ See also *Smith v Calvary Christian Church*, 233 Mich App 96, 115-116; 592 NW2d 713 (1998) (O'Connell, J., dissenting), rev'd *supra* at 462 Mich 679.